Supreme Court, U.S
F I L E D

97 923 JUL 2 8 1997

No. OFFICE OF THE CLERK

In The Supreme Court of the United States

October Term, 1997

Establishment of Religion, Devotion Christian Ministries, non Denomination Community of Jesus Christ, Ambassador of Jesus Christ Sovereign De Jure Christian Citizen, Domiciled in The Republic of Texas Sister Concepcion Orosco, Rev. Robert G. Votion, Petitioners,

v.

The County of Atascosa, Texas 78026, Commissioners, Precinct 1,2,3,4, Vernon A. Warren, Chief Appraisal County of Atascosa, Board Chairman; Jack H. McFarland, Assr-Collector Barbara Schorsch, Pleasanton Independent School District, Maureen Burris, Respondents.

PETITION FOR WRIT OF CERTIORARI
TEXAS COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

Rev. Robert Votion
u.S.C.A. VI Counsel
HCR 67 Box 12-A
Atascosa County, Pleasanton
Republic of Texas (78064)
(830) 281-5643

38 pp
$10

QUESTIONS PRESENTED: Rule 14.1(a)

Question(s) Presented for Review for the Supreme Court of the united States of America; for the united States Constitution, Article III, Code 28 Stat. 88 Supreme Court of the united States Court of Appeals District of Columbia.

1. Question; Does the united States District Court for the Western District of Texas, San Antonio Division; the Federal Judge, Orlando L. Garcia, # 3, and the Texas Bar Association; Attorneys for Opponents, do these officers have the delegated authority to dismiss a Federal Rule of Civil Procedure, Rule 4 (a) after Defendants and their Attorneys do not have a valid Federal Rule of Civil Procedure File Rule 5 (e) in the united States District Clerks Office filed within the 20 days for response of the Federal Rule of Civil Procedure Rule 4 (a) Summons; Exhibit in Appendix?

2. Question(s): Does the united States Federal Judge; Orlando L. Garcia, Court #3, have the delegated authority to enter a Rule 16 Federal Rule of Civil Procedure, Scheduling Order Local Rule CV-88 be filed by April 16, 1996 filed on Jan 17, 1996, 8 days past the Federal Rules of Civil Procedure, Rule 4 (a) has been terminated and

5 days after Federal Rules of Civil Procedure, Rule 55 (a)(b)(1)(2)(d) has been filed in the united States District Court Clerks Office, Exhibit in Appendix?

3. Question(s): Does the united States Federal Judge; Orlando .L. Garcia, have the delegated authority to Order a dismissal of Federal Rule of Civil Procedure Rule 55 (a)(b)(1)(2)(d), after Federal Rule of Civil Procedure 4 (a) has been terminated; Exhibit in Appendix?

4. Question(s): Does the united States District Court Judge Orlando L. Garcia, and Opponents Attorneys, after the required 20 days of Federal Rule of Civil Procedure, Rule 4 (a) and Federal Rule 55 (a)(b)(1)(2)(d) and Federal Rule 54(c) that have legally been filed in the united States Federal Court Clerks Office, and do these officers have delegated authority to breach the united States of America Constitution Article III. **JUDICIAL DEPARTMENT**; Section 1, Section 2 Jurisdiction of the united States Courts 1, 2, 3 , Article VI. **GENERAL PROVISIONS** 1, 2, 3, Article VII. **AMENDMENTS** I, II, III, IV, VI, VIII, IX, X XII of the united States of America Constitution?

5. Question(s): Rule 29.4 (a)(b)(c) Petitioner(s) we are in question of the code U.S.C. 28 Stat. 451, 28 U.S.C. Stat. 2403 (a)(b) because the appeal is for the Relief of the Rule 4 (a) Summons and Default Judgment Rule 55 (a)(b)(1)(2)(d) Rule 5 (e) and Rule 54 (c) so we will forward these Documents for the Solicitor General of the united States, and State Attorney General of Texas.

Ambassador of the Kingdom of God, our Lord Jesus Christ,

u.S.C.A. VI Counsel, Rev. Robert Votion

Robert Votion

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3. UNITED STATES DISTRICT COURT OF TEXAS SAN ANTONIO DIVISION VIOLATION OF MOTION FOR DEFAULT JUDGMENT APPENDIX Exhibit (e)

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RULE 14. Of the Supreme Court of the united States

CONTENT OF A PETITION FOR A WRIT OF CERTIORARI

Petition for the united States of America Supreme Court by the Establishment of Religion Devotion Christian Ministries non Denomination Community of Jesus Christ, Ambassador of the Kingdom of God; Sovereign de jure Christian Citizens, Domiciled in The Republic of Texas; Sister Concepcion Orosco, u.S.C.A. VI Counsel Rev. Robert Votion.

* **NOTICE**: The Case Titled above is under the Title 4 U.S.C. 1 American Flag of the united States of America inserted in petition, exhibit (a).

Petitioner(s) above mentioned, we come as Citizens in party at common law action, and demand all of our God given inalienable rights and the Bill of Rights from our Republic of Texas Constitution. We as Citizens thereof make notice of our Declaration of Rights under the Common Law, the Magna Carta, the Bill of Rights of 1964. We as Citizens of The Republic of Texas, Domiciled in The Republic of Texas; and de jure Christian Citizens thereof; we waive none of our rights and demand all of our rights at all times in any criminal proceedings, we demand our common law rights by a common law jury of twelve venire men of our peers for deciding all issues of law and fact, including our rights by arguing the constitution as our fact, including our right by arguing the Constitution as our theory of the case for the jury.

Opponent(s) Respondents address: the County of Atascosa, Texas Commissioners, precinct 1, 2, 3, 4, Circle Dr., Jourdanton, Texas 78026; Atascosa County, Chief Appraisal Vernon A. Warren, 4th & Avenue J Box 139 Poteet, Texas 78065-0139; Atascosa County, Appraisal Review Board 1994-1995 Jack H. McFarland, Chairman, Lytle, Texas 78052 (830) 772-3652; Atascosa County, Tax Assr. Collector, Barbara Schorsch, 1001 Oak Street., Jourdanton, Texas 78026; Pleasanton Independent School District Tax Collector, Maureen Burris, 831 Stadium Dr., Pleasanton, Texas 78064.

State of Texas Constitution

Article XVI-General Provisions Sec. 1. Official Oath - Members of the Legislature, and all other elected officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I, , do solemnly swear (or affirm), that I will faithfully execute the duties of the office of the State of Texas, and will by the best of my ability preserve, protect, and defend the Constitution and laws of the united States and of the State; So Help me God."

Constitution of the united States of America

AMENDMENT I

RESTRICTIONS ON POWERS OF CONGRESS

[Section 1*.] Congress shall make no law respecting an establishment of religion, *(comma)* or prohibiting the free exercise thereof; *(semicolon)* or abridging the freedom of speech, *(comma)* or of the press;*(semicolon)* or the right of the people for peaceable assemble,

(comma) and by petitioning the Government for a redress of grievance. *(Period)*. A well rounded paragraph. Ratified December 15, 1791.

ARTICLE III. JUDICIAL DEPARTMENT

Section 1. Judicial Powers Vested in Federal Courts.

Section 2. Jurisdiction of the united States Courts

1. Cases that may come before united States Courts

2. Jurisdiction of Supreme and Appellate Courts

3. Trial of Crimes u.S.C.A. I, II, III, IV, V, VI, VII, VIII, IX, X.

Article VI. SUPREME LAW OF THE LAND

2. Supreme Law of the Land

3. Oath of Office

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

United States District Court Judge Orlando L. Garcia, Attorneys for Opponent(s) Calame Linebarger Gramham & Pena, L.L.P. Attorneys Clemens & Spencer, are required to take an oath to enter the united States District Court at Common Law. Plaintiff's Petitioner(s) we do not have a record of the oath at the United States District Court; we do have a record from the United States Fifth Circuit Court of Appeals sent on January 30, 1997 for Case No. 97-50058 Establishment of Rel v. Warren USDC No. SA-95-CV-1252 Appealing party: and the Ruling of the three Circuit Judges for lack of jurisdiction Filed April 28, 1997 exhibit (b). (c).

Plaintiff's Petitioner(s)

Establishment of Religion Devotion Christian Ministries non Denomination Community of Jesus Christ, Ambassador of the Kingdom of God; Sovereign de jure Christian Citizens, Domiciled in The Republic of Texas; Sister Concepcion Orosco, u.S.C.A. VI Counsel Rev. Robert Votion,

Defendant's Opponent(s)

The County of Atascosa, Texas 78026, Commissioners, Precinct 1,2,3,4, Vernon A. Warren, Chief Appraisal County of Atascosa, Board Chairman; Jack H. McFarland, Assr-Collector Barbara Schorsch, Pleasanton Independent School District, Maureen Burris, Plaintiff's Petitioner(s) will be known as Petitioner(s).

Defendant's Opponent(s) will be known as Opponent(s).

Petitioners, we filed a Complaint at common law action, case No. SA-95-CA-1252 Title 28 U.S.C. 1331, 1343, Rule 2 on December 18, 1995 for actions taken by opponents, that caused serious Spiritual, mental, and physical damage for the Petitioners, especially for Sister Concepcion Orosco, and the violation of the First amendment of the united States of America Constitution, for the Establishment of Religion Devotion Christian ministries non Denomination Community.

The at Common Law complaint, for Trial by Jury and the united States District Court SUMMONS IN A CIVIL ACTION No. SA-95-CA-1252 were sent by U.S. Postal Certified Service, on December 18, 1995 and Opponents received the Complaint and Summons on December 20 and 21, 1995 and Opponents did not respond by the required 20 days of the United States District Court Summons,

therefor the Petitioners filed a Judgment by default for relief demanded on the United States District Court SUMMONS IN A CIVIL ACTION case No. SA-95-CA-1252 by affidavit on January 11, 1996 11 AM '96 Summons and Judgment by Default, exhibit (d), (e). Copies of United States Postal certified service and copy of the affidavit published in the Pleasanton Express Newspaper legal notice on January 17, 1996 exhibit (f).

On January 17, 1996 Petitioners, received a document from United States District Court Judge Orlando L. Garcia, Case No: SA-95-CA-1252 for a SCHEDULING ORDER & ORDER CONCERNING CONSENT TRIALS, DISCOVERY, PRETRIAL MATTERS, AND PRETRIAL ORDER with a hand printed day on filed day. Exhibit (g).

On January 29, 1996 Petitioners, received a document from United States District Court, Judge Orlando L. Garcia, Case No. SA-95-CA-1252 ORDER DENYING PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT WITH A HAND PRINTED FILE DAY, SIGNED BY Judge Orlando L. Garcia, on January 26, 1996 document 16 exhibit (h).

On January 30, 1996 Petitioners, received a document from United States District Court, Judge Orlando L. Garcia, Case No. SA-95-CA-1252 ORDER. It is ORDERED that motion to DISMISS is GRANTED because this Court lacks Jurisdiction, with a hand printed file day, signed by Orlando L. Garcia, document 17 exhibit (i). Violation of Federal Rule 5 (a) Rule 54 (c).

Petitioner(s)

Conclusion of the subject matter is that the bad faith of the United States District Court #3 Judge Orlando L. Garcia, and Attorneys for Respondent(s), have breached their Oath of Affirmation for the Republic of Texas Constitution, and for the united States of America Constitution, and the Federal Rules of Civil Procedure, Rule 4 (a), Rule 55 (a)(b)(1)(2)(d). Rule 5 (e) and Rule 54(c), therefore we the Petitioner(s) demand a just Ruling for the united States of America Constitution.

I believe under penalty of perjury that the forgoing is true and correct u.S.C.A. VI Counsel.

Ambassador, Rev. Robert Votion
Robert Votion

HCR 67 Box 12-A Atascosa County, Pleasanton, The Republic of Texas (78064) (830) 281-5643

CONTENT OF APPENDIX

Title 4 U.S.C. 1 American Flag ..... Exhibit (a)
United States Fifth Circuit Court of Appeals ..... Exhibit (b)(c)
United States District Court Summons ..... Exhibit (d)
United States District Court Default Judgment ..... Exhibit(e)
Copies of United States Postal Certified Service
and a copy of the Affidavit published legal Newspaper . Exhibit (f)
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CERTIFICATE OF SERVICE ..... Exhibit (k)
Solicitor General of the United States ..... Exhibit (l)
Attorney General Dan Morales, States of Texas ..... Exhibit (m)

At Common Law Action for Jury Trial Case No. 97-50058 U.S. Court of Appeals; Establishment of Rel V. Warren, USDC No. SA-95-CA-1252 December 18, 1995

Notice: Responsibility disclaimer under U.C.C. 3 - 501: under Title 42 U.S.C. §1986 for knowledge of the law, for F.R.C.P. Rule 60(b) Discovery and F.R.C.P. RULE 38(a), the case titled above is under the Title 4 U.S.C. §1 American Flag of the united States of America, Referenced under Presidential Executive Order 10834, and under Article VI (6) Section (3): Oath of Fiduciary Officers of the Court, and under Article IV (4) Section (3): No "STATE" (Natural Party) Shall be Erected from any State (LAND), and u.S.C.A.11: No "FOREIGN STATE" (Law of the Flag) Shall have jurisdiction over a Sovereign Citizen in Party, and Article I (1) Section (9): No Titles of Nobility under any Foreign Flag jurisdiction and in breach of Title 28 U.S.C. §1605 "FOREIGN SOVEREIGN IMMUNITY ACT"OF October 21, 1976 and in breach of the Constitution for the united States of America, will be allowed in the jurisdiction of the case. Breach of the contract will cause sanctions under F.R.C.P. Rule 16 (f). The Constitution for the united States of America having been surrendered, for a Foreign State/Power is the breach of contract, of Oath and Affirmation, of the Constitution for the united States of America, and the Commission of Perjury of Oath (Title 18 U.S.C. §1621), Constructive Treason, and contempt for the Constitution for the united States of America, and False swearing must be brought against the Officers of the Court Responsible against the Peace and Dignity of Sovereign Men and Women of Texas Inhabitants.

Exhibit (a)

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-589-6514
600 CAMP STREET
NEW ORLEANS, LA 70130

January 30, 1997

Mr. Robert G. Votion
HCR 67 Box 12-A Corgey Road
Pleasanton, TX 78064

Ms Concepcion Orosco
HCR 67 Box 12-A Corgey Road
Pleasanton, TX 78064

No. 97-50058 Establishment of Rel v. Warren
USDC No. SA-95-CV-1252

Appealing Party: Religion Devotion
Mr. Robert G. Votion
Ms Concepcion Orosco

We have docketed the appeal of the party shown above. Please use the case number above for future inquiries.

Counsel desiring to appear in this case must sign and return the attached appearance form, naming each party you represent, within 15 days from the date above as required by FRAP 12(b) and Local Rule 46. Pro se parties need not file an appearance form.

Sincerely,
CHARLES R. FULBRUGE III, Clerk

By: /s/
Lisa Conrad, Deputy Clerk

Enclosure
cc w/encl: Mr Kent M Rider
Mr George H Spencer Jr

DKT-1

Exhibit (b)

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50058

U.S. COURT OF APPEALS
FILED
APR 29 1997
CHARLES R. FULBRUGE III
CLERK

ESTABLISHMENT OF RELIGION DEVOTION CHRISTIAN MINISTRIES Non-Denomination Community of Jesus Christ; ROBERT G. VOTION; Ambassador of Jesus Christ, De Jure Citizen, Domiciled in the Republic State of Texas; CONCEPCION OROSCO, Sister, Ambassador of Jesus Christ

Plaintiffs - Appellants

v.

VERNON A WARREN, Chief Appraisal Atascosa County; JACK H MCFARLAND, Chairman Atascosa County Appraisal Review Board; BARBARA SCHORSCH, Assr-Collector; MAUREEN BURRIS, Pleasanton Independent School District; COUNTY COMMISSIONER ATASCOSA COUNTY PRECINT #1; COUNTY COMMISSIONER ATASCOSA COUNTY PRECINT #2; COUNTY COMMISSIONER ATASCOSA COUNTY PRECINT #3, COUNTY COMMISSIONER ATASCOSA COUNTY PRECINT #4

Defendants - Appellees

Appeal from the United States District Court for the
Western District of Texas, San Antonio

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

BY THE COURT:

IT IS ORDERED that the motion of appellees, Barbara Schorsch and County Commissioners, Precincts Nos. 1,2,3 and 4, to dismiss the appeal for lack of jurisdiction is *(/s/granted)*.

ISSUED AS MANDATE *(stamped May 23 1997)*

Exhibit (c)

United States District Court

DISTRICT OF

ESTABLISHMENT OF RELIGION
DEVOTION CHRISTIAN MINISTRIES NON
DENOMINATION COMMUNITY OF JESUS CHRIST,
SIS. CONCEPCION OROSCO, STEWARD; REV.
ROBERT G. VOTION

SUMMONS IN A CIVIL ACTION

V.

CASE NUMBER:
SA95CA1252

THE COUNTY OF ATASCOSA, TEXAS 78026

TO: THE COUNTY OF ATASCOSA, TEXAS 78026
COUNTY COMMISSIONERS, PRECINCT ONE, TWO, THREE, AND FOUR, CIRCLE DR. JOURDANTON, TEXAS 78026

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S (name and address)
ESTABLISHMENT OF RELIGION DEVOTION CHRISTIAN MINISTRIES NON DENOMINATION COMMUNITY OF JESUS CHRIST, AMBASSADOR OF JESUS CHRIST; A SOVEREIGN DE JURE CHRISTIAN CITIZEN; OF THE REPUBLIC STATE OF TEXAS; STEWARD; AND COUNSEL; HCR 67 BOX 12-A CORGEY RD. ATASCOSA COUNTY, REPUBLIC STATE OF TEXAS, JUD. DIST. 81-281

an answer to the complaint which is herewith served upon you, within 20 _____days after service of the summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

WILLIAM G. PUTNICKI — (Stamped) DEC 18 1995
CLERK — DATE

/S/
(BY) DEPUTY CLERK

Exhibit (d)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO

FILED
JAN 11 11 90 AM '96
CLERK DISTRICT COURT
WESTERN DIST. OF TEXAS
BY: /S/ DEPUTY

ESTABLISHMENT OF RELIGION
DEVOTION CHRISTIAN MINISTRIES
NON DENOMINATION COMMUNITY OF JESUS
CHRIST; AMBASSADOR OF JESUS CHRIST;
DE JURE SOVEREIGN CITIZEN'S DOMICILED
IN THE REPUBLIC STATE OF TEXAS; STEWARD:
REV. ROBERT G. VOTION, AND SISTER
CONCEPCION OROSCO

PLAINTIFF'S

V.

THE COUNTY OF ATASCOSA, TEXAS 78026
COUNTY COMMISSIONERS, PRECINT 1, 2, 3, 4,
VERNON A. WARREN, CHIEF APPRASAISAL
APPRAISAL REVIEW BOARD
JACK H. McFARLAND, CHAIRMAN,
BARBARA SCHORSCH-ASSR-COLLECTOR,
PLEASANTON INDEPENDENT SCHOOL DISTRICT,
MAUREEN BURRIS, TAX COLLECTOR

DEFENDANT'S

CIVIL ACTION
NO.
SA95CA1252

AT COMMON LAW
MOTION FOR DEFAULT JUDGMENT

RULE 55. DEFAULT; RULES OF CIVIL PROCEDURE
(a) ENTRY. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the partys default.

EXHIBIT I

(b) Judgment. Judgment by default may be entered as follows: (1) By the Clerk. When the plaintiffs claim against a defendant is for a sum certain or for a sum which can by computation be made certain, the Clerk upon request of the plaintiffs and upon affidavit of the amount due enter judgment for that amount and costs against the defendants, if the defendants has been defaulted for failure to appear and if he is not an infant or incompetent person.

I believe under penalty of perjure that the foregoing is true and correct.

Signed this 11 day of January 1996
Steward: /s/
ROBERT G. VOTION

HCR 67 BOX 12-A
Pleasanton, Texas
JUD. DIST. 81-281

PLAINTIFF'S,

Claim against defendants, for default; of rul 55, of the civil procedure; At Common Law.

PLAINTIFF'S,

ESTABLISHMENT OF RELIGION DEVOTION CHRISTIAN MINISTRIES NON DENOMINATION COMMUNITY OF JESUS CHRIST, AMBASSADOR OF JESUS CHRIST, SOVEREIGN DE JURE CHRISTIAN CITIZENS, DOMICILED IN THE REPUBLIC STATE OF TEXAS, REV. ROBERT G. VOTION AND SISTER CONCEPCION OROSCO. HCR 67 BOX 12-A CORGEY RD. PLEASANTON, TEXAS.

We send the complaint at common law document with the summons case number SA95CA1252 to the defendents, on December the 19, 1995 defendents, received the documents on December 21, 1995 and to day is the 11, of January 1996 this are the required 20 days to respond or defendents, have defaulted and we demand the relief demanded in the complaint.

We demand to be recompensed in accordance with the complaint document on page 23, paragraph 5;
Constitution of the United States, Article 1 section 10. Powers prohibited, absolutly

1. No State shall, enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainer, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Page 25. First paragraph 1. Of complaint document.

We are demanding that we be recompensed for all damages; in the amount of $3.3 million dollars; the symbol "$" means dollars as defined by the unrepealed (1792) U.S. Coinge Act, which is 371.25 grains of fine silver for each "Dollar" and is that "thing" mandated upon the State of Texas by Article 1. 10: 1, United States Constitution.

ALL THE HONOR AND GLORY TO OUR ALMIGHTY GOD, OUR LORD JESUS CHRIST,

SISTER /S/
Concepcion Orosco

Steward: REV. /s/
Robert G. Votion

Certified Return Receipt No.
To: County of Atascosa
County Commissioner,
Precinct Two:
Alfred Korus Room 31 Circle Dr.
Jourdanton, Texas 78026

/s/ Lucia Flores Dated 12-21-95

Certified Return Receipt No.
To: County of Atascosa
County Commissioner,
Precinct Four:
Weldon Cude, Room 31 Circle Dr.
Jourdanton, Texas 78026

/s/ Lucia Flores Dated 12-21-95

Certified Return Receipt No.
To: County of Atascosa
County Commissioner,
Precinct Three:
Freddie Ogden, Room 31 Circle Dr.
Jourdanton, Texas 78026

/s/ Lucia Flores Dated 12-21-95

Certified Return Receipt No.
To: County of Atascosa
County Commissioner,
Precinct One:
Tommy Shearrer, Room 31 Circle Dr.
Jourdanton, Texas 78026

/s/ Lucia Flores Dated 12-21-95

Certified Return Receipt No.
To: Pleasanton Independent School District
Maureen Burris
831 Stadium Dr.
Pleasanton, Texas 78064

/s/ M. Burris dated 12/20/5

Certified Return Receipt No. Z049275342
To: Vernon A. Warren, Chief Appraisal
4th & Avenue J
Box 139
Poteet, Texas 78065-0139

/s/ LaRae Fassridge dated 12/21/95

Certified Return Receipt No.
To: Atascosa County
Barbara Schorsch - Assr-Coll
1001 Oak St.
Jourdanton, Texas 78026

/s/ Barbara Schorsch dated 12-21-95

(Duplicate receipt)
Certified Return Receipt No. Z049274853
To: Jack McFarland
PO Box 144
Lytle, TX 78052

(Postal records show delivery was made) dated 12-20-95

See Exhibit (e) Advertised in Pleasanton Express Newspaper on December 22, 1995 and January 17, 1996 as Public Notice: Default Judgment.

rev: 1/11/96*IN THE UNITED STATES DISTRICT COURT*
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED
JAN 17 1996
/S/ DEPUTY

ESTABLISHMENT OF RELIGION	§	
DEVOTION CHRISTIAN MINISTRIES,	§	
NON-DENOMINATION COMMUNITY OF	§	
JESUS CHRIST, ET AL.,	§	CASE NO:
Plaintiff,	§	SA-95-CA-1252
v	§	
VERNON A. WARREN, ET AL.,	§	
Defendant	§	
	§	
	§	

SCHEDULING ORDER
&
ORDER CONCERNING
CONSENT TRIALS, DISCOVERY, PRETRIAL MATTERS, AND PRETRIAL ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by April 16, 1996.

2. The parties shall advise the Court whether they elect to consent or not consent to trial by the United States Magistrate Judge by February 16, 1996. The parties shall use, the form, Exhibit "A", "A-1" or "A-2" attached to the Order Concerning Consent Trials, Discovery, Pretrial matters, and Pretrial Order to make their election. If the parties so, consent, they shall also advise the Court if they agree the case is to be placed on the Expedited Docket by February 16, 1996. If such consent is given, the form, Exhibit "B" attached to the Order Concerning Consent Trials, Discovery, Pretrial matters, and Pretrial Order shall be used.

3. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by April 16, 1996. a. Each opposing party shall respond, in writing, by April 30, 1996.

4. The parties shall file all motions to amend or supplement pleadings or to join additional parties by May 16, 1996.

5. All parties asserting claims for relief shall designate their potential witnesses and testifying experts and submit a written summary of the expected testimony of each expert by February 26, 1996. a. Parties resisting claims for relief shall designate their potential witnesses and experts and submit a written summary of the expected testimony of each expert by March 27, 1996. b. All rebuttal experts shall be designated by April 16, 1996.

6. The parties shall complete all discovery on or before July 15, 1996, counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than July 29, 1996.

8. This case is set for non-jury Trial on November 4, 1996 at 9:00 a.m.

9. The parties shall file a joint proposed pretrial order on October 21, 1996. In the form set forth in the Order Concerning Consent trials, Discovery, Pretrial Matters, and Pretrial Order issued in conjunction with this Scheduling Order.

ORDER CONCERNING CONSENT TRIALS, DISCOVERY, PRETRIAL MATTERS, AND PRETRIAL ORDER

In addition to the above mentioned Scheduling Order the court issues the following additional Order Concerning Consent Trials, Discovery, Pretrial Matters, and Pretrial Order:

The ultimate responsibility for submitting the joint proposed pretrial order rests with plaintiff. Unless plaintiff has made a motion to compel or a motion for extension of time before expiration of the scheduling deadline, non-cooperation by defendant shall not excuse plaintiff of this scheduling responsibility.

The proposed order shall supply information as required by the

enclosed modified form titled "Agreed Pretrial Order", which this Court has adopted as a substitute to the form set forth in Local Rule, Appendix B, Form PT-1. The Court may impose sanctions under Federal Rules of Civil Procedure 16(f) and/or 41(b), if counsel do not timely submit their agreed pretrial order consistent with the enclosed pretrial order form.

2. Pursuant to 28 U.S.C. § 636(c)(1), all full-time Magistrate Judges are authorized and empowered to try any civil case, jury or non-jury or non-jury, with the consent of all parties to the lawsuit. Because of the crowded condition of the criminal docket in this District and the difficulty in reaching civil cases for trial, you may wish to consent to the trial of your case by a United States Magistrate Judge.

If you wish to consent to trial before a Magistrate Judge, you may indicate your consent on the attached forms. Your consent to trial by a Magistrate Judge must be voluntary, and you are free to withhold consent without suffering any adverse consequences. If all parties do consent to trial of this case by a Magistrate Judge, the Court will enter an order referring the case to a Magistrate Judge for trial and for entry of judgment. Parties must file with the Clerk's Office, the "joint consent" form or "non-consent" form within the time prescribed in the Courts scheduling order.

3. Requests for extension of the Scheduling Order deadlines must be filed before expiration of that deadline. See Fed. R. Civ. P. 6(b). The Court will be strongly disinclined to grant any extensions of time. If the parties file any motion for extension of time, they should be aware that the mere filing of the motion does not stay the applicable deadline and that the Court may impose sanctions pursuant to Rule 16(f) despite the timely filing of a Rule 6 motion. If a motion for extension of time is joint or unopposed, a statement to this effect should be contained in the body of the motion. A proposed order with the requested deadlines already added shall be attached to all motions for extensions of time. Failure to attach the proposed order is proper form may result in summary denial of the motion.

4. These deadlines shall not relieve the parties of full compliance with any deadlines or scheduled arbitration proceedings pursuant to Local Rule CV-87. Similarly, submission of the case to arbitration does not stay any of these deadlines.

5. Discovery shall comply with the Federal Rules of Civil Procedure,

and Local Rules CV-5 and CV-26 through CV-37.

6. All Rules 26(c) and 37 motions shall be submitted with copies of the challenged discovery.

7. No motions relating to discovery, including Rule 26(c), 29, or 37 motions, shall be filed after the expiration of the discovery period. Discovery related motions filed after the discovery deadline will not be entertained.

8. Any pretrial motion shall contain within the body of the motion a certificate by the movant that counsel for the parties have first conferred in a good faith attempt to resolve the matter by agreement before filing the motion. Local Court Rule CV-(7)(i); CV-37(b). In addition, any motions requesting sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure must contain a similar certificate by the movant. See generally, Thomas v. Capital Security Services, Inc., 836 F. 2d 866 (5th Cir. 1988). Failure to provide a certificate of conference within the body of such motions may result in summary denial of the motion and sanctions.

9. Unopposed discovery may continue after the deadline for discovery so long as it does not delay other pretrial preparations.

10. Upon filing any motion for summary judgment or motion for partial summary judgment pursuant to Federal Rule of Civil Procedure 56, there shall be annexed to the motion and brief a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried, including specific reference to those parts of the pleadings, depositions, answers to interrogatories, admissions on file and affidavits which support such contentions.

The papers opposing a motion for summary judgment shall include a separate, short and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried, including specific reference to those parts of the pleadings, depositions, answers to interrogatories, admissions on file and affidavits which support such contentions.

All material facts set forth in the statement required to be served by the moving party may be deemed to be admitted unless controverted by the statement require to be served by the opposing party.

Failure to comply with this rule by the moving party may result in denial of the motion.

11. Absent prior permission of the Court, no party shall file any brief or legal memorandum in excess of twenty (20) pages in length.

12. All filings must be signed by a party or his attorney, and the name, address and telephone number of the signer must be typed or printed under the signature, and indicate which party the signatory represents (e.g., "John Doe, attorney for defendant, Acme, Inc."). The State Bar card number of each signing attorney shall also be included.

13. Failure of a party to keep the court advised at all times of its correct address may subject that party to appropriate sanctions.

14. Any requirement of this order or the attached pretrial order form may be waived by the Court when it is in the interest of justice.

15. All pleadings and papers in a case shall be filed with the District Clerk. The Court will not accept courtesy copies.

IT IS SO ORDERED this 17th day of January 1996.

/S/

ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO

FILED
JAN 29 1996
/S/ Deputy

ESTABLISHMENT OF RELIGION *
DEVOTION CHRISTIAN MINISTRIES *
NON DENOMINATION COMMUNITY OF JESUS *
CHRIST; AMBASSADOR OF JESUS CHRIST; *
DE JURE SOVEREIGN CITIZEN'S DOMICILED *
IN THE REPUBLIC STATE OF TEXAS; STEWARD:*
REV. ROBERT G. VOTION, AND SISTER *
CONCEPCION OROSCO *
* CIVIL ACTION
PLAINTIFF'S * NO.
* SA95CA1252
V. *
*
THE COUNTY OF ATASCOSA, TEXAS 78026 *
COUNTY COMMISSIONERS, PRECINT 1, 2, 3, 4, *
VERNON A. WARREN, CHIEF APPRASAISAL *
APPRAISAL REVIEW BOARD *
JACK H. McFARLAND, CHAIRMAN, *
BARBARA SCHORSCH-ASSR-COLLECTOR, *
PLEASANTON INDEPENDENT SCHOOL DISTRICT,*
MAUREEN BURRIS, TAX COLLECTOR *
*
DEFENDANT'S *

ORDER DENYING PLAINTIFFS' MOTION FOR DEFAULT JUDGMENT

On this day came on to be considered the Motion of Plaintiffs for Default Judgment, and the Court having considered such Motion together with the other papers and pleadings on file, finds it should be denied.

It is accordingly ORDERED that Plaintiffs' Motion for Default Judgment is DENIED. SIGNED and ORDERED ENTERED this 26 day of January, 1996.

/S/

ORLANDO L. GARCIA

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO

FILED
JAN 30 1996
/S/ Deputy

ESTABLISHMENT OF RELIGION DEVOTION CHRISTIAN MINISTRIES NON DENOMINATION COMMUNITY OF JESUS CHRIST; AMBASSADOR OF JESUS CHRIST; DE JURE SOVEREIGN CITIZEN'S DOMICILED IN THE REPUBLIC STATE OF TEXAS; STEWARD: REV. ROBERT G. VOTION, AND SISTER CONCEPCION OROSCO

PLAINTIFF'S

V.

THE COUNTY OF ATASCOSA, TEXAS 78026 COUNTY COMMISSIONERS, PRECINT 1, 2, 3, 4, VERNON A. WARREN, CHIEF APPRASAISAL APPRAISAL REVIEW BOARD JACK H. McFARLAND, CHAIRMAN, BARBARA SCHORSCH-ASSR-COLLECTOR, PLEASANTON INDEPENDENT SCHOOL DISTRICT, MAUREEN BURRIS, TAX COLLECTOR

DEFENDANT'S

CIVIL ACTION NO. SA95CA1252

ORDER

Defendants Atascosa County Appraisal Review Board, Jack H. McFarland, the Pleasanton Independent School District, and Maureen Burris have filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (6). (Doc. No. 5). Because the Court determines that it has no jurisdiction in this matter, the motion to dismiss will be granted.

Plaintiffs, as best the Court can determine from their complaint,

complain that they have not been granted a religious exemption from ad valorem taxation. They assert their First Amendment rights have been violated, and that the stress caused by defendants' actions caused plaintiff Orosco to suffer a physical and mental breakdown. They also seek recovery of damages in the amount of $3.3 million apparently pursuant to 42 U.S.C. § 1983.

The Tax Injunction Act provides:

> The district courts shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under State law where a plain, speedy and efficient remedy may be had in the courts of such State.

28 U.S.C. § 1341. The Tax Injunction Act imposes an equitable duty on federal district courts to refrain from exercising jurisdiction over claims arising from state revenue collection except when state remedies could prevent a taxpayer from asserting a federal right." McQueen v. Bullock , 907 F. 2d 1544, 1547 (5th Cir. 1990) (footnote omitted), cert. Denied, 499 U.S. 919 (1991). This restraint emerges from "the scrupulous regard [of the federal courts] for the rightful independence of state governments ... and a proper reluctance to interefere by injunction with their fiscal operations." Matthews v. Rodgers, 234 U.S. 521, 525, 52 S. Ct. 217, 219 (1932). The Tax Injunction Act bars federal district courts from granting declaratory as well as injunctive relief in cases challenging state tax systems. California v. Grace Brethren

Brethren Church, 457 U.S. 393, 408, 102 S. Ct. 2498, 2507 (1982). The Tax Injunction Act bars the district court from asserting jurisdiction unless the State fails to supply a "plain speedy and efficient remedy" for the taxpayers' claim. The Texas system regulating ad valorem taxation provides such a remedy and plaintiffs have not suggested that if does not. Smith v. Travis County Educ. Dist., 968 F. 2d 453, 456 (a5th Cir. 1992); McQueen, 907 F. 2d at 1547 n.9.

Even when the Act is *per se* inapplicable because injunctive or declaratory relief is not being sought, principles of comity prevent taxpayers from asserting a section 1983 action against the validity of state tax systems in federal court. Fair Assessment in Real Estate Ass'n v. McNary, 454 U.S. 100, 116, 102 S. Ct. 177, 186 (1981).

It is ORDERED that the motion to dismiss is GRANTED and, because this Court lacks jurisdiction of plaintiffs' suit, plaintiffs' complaint is DISMISSED in its entirety and it is ORDERED that plaintiffs take nothing.

All pending motions are dismissed as moot. The district clerk is instructed to close this case.

SIGNED and ENTERED January 30, 1996.

/S/
ORLANDO L. GARCIA
UNITED STATES DISTRICT JUDGE

PRAYER

We the Establishment of Religion Devotion Christian Ministries non Denomination community of Jesus Christ, Sister Concepcion Orosco; Ambassador of the Suv'eran, Sovereign Christian Nation, of the Kingdom of God, Our Lord Jesus Christ, De Gratia, Rev. Robert Votion, we come under the Delegated Authority as Ambassador of the Kingdom of God, our Lord Jesus Christ,. Romans 13:1, Let every soul be subject unto the higher power. For there is no power but of God; the powers that be are ordained of God. 2, Whosoever, therefore, resisteth the power, resisteth the ordinance of God; and they that resist shall receive to themselfs [JUDGMENT].

Hebrews 10: 30,31, For we know him that hath said, Vengeance belongeth unto me. I will recompence, saith the Lord. And again, the Lord shall Judge his People.

It is Fearful to fall into the hands of the living God,.

I believe under penalty of perjury that the foregoing is true and correct. At Common Law Action, Sovereign Christian Citizens, in party Sister Concepcion Orosco, u. S. C. A. VI. Counsel, Ambassador Rev. Robert Votion Signed this 17 Day of November 1997, to the officers mentioned in this document we demand and appreciate your response within ten (10) days of receiving this document.

u.S.C.A. VI Counsel Rev. Robert Votion
Robert Votion

Witness: Sister Concepcion Dorosco
Concepcion Orosco

CERTIFICATE OF SERVICE

Service is hereby certified that the foregoing document for the Supreme Court of the united States of America for Case No. SA-95-CA-1252, Establishment of Rel v. Warren etc. for Writ of Certiorari, will be forwarded for Respondent(s), the County of Atascosa, Texas, Commissioners, Precinct 1,2,3,4, Circle Dr., Jourdanton, Texas 78026 (Z 267 202 648); Atascosa County, Chief Appraisal Vernon A. Warren, 4th & Avenue J Box 139 Poteet, Texas 78065-0139 (Z 247 745 630); Atascosa County, Appraisal Review Board 1994-1995 Jack H. McFarland, Chairman, Lytle, Texas 78052 (Z 247 745 632) (830) 772-3652; Atascosa County, Tax Assr. Collector, Barbara Schorsch, 1001 Oak Street., Jourdanton, Texas 78026 (P 499 937 203); Pleasanton Independent School District Tax Collector, Maureen Burris, 831 Stadium Dr., Pleasanton, Texas 78064 (Z 267 202 649).

Will be forwarded for Respondent(s) Attorneys Law Office Calame Linebarger Graham & Pena, L.L.P., P.O. Box 17428, Austin, Texas 78760 (512) 447-6675 (Z 267 202 647).

Attorneys Law Office Clemens & Spencer, Suite 1500 112 East Pecan Street, San Antonio, Texas 78205 (210) 227-7121 (Z 267 202 650).

I do hereby certify that a true and correct copy of the above and foregoing has been sent by certified mail on the 17 Day of November 1997 for the above Respondent(s) Attorneys.

I believe under penalty of perjury that the foregoing is true and correct u.S.C.A. VI Counsel.

Ambassador, Rev. Robert Votion
Robert Votion

HCR 67 Box 12-A Atascosa County, Pleasanton, The Republic of Texas (78064) (830) 281-5643

Solicitor General of the United States

Room 5614, Department of Justice,

9500 Pennsylvania Ave., N.W., Washington, DC 20530-0001

United States Supreme Court Rule 29. 4. (a)(b)(c) 28 U.S.C. stat. 451, stat. 2403 (a)(b).

Petitioner(s) Forward this Document certified to the Attorney General, for review of case At Common Law Action, No. SA-95-CA-1252 in the United States District Court Western District of Texas San Antonio Division for the Violation of United States Court Summons Rule 4.(a) Rule 55. Motion for Default Judgment (a)(b)(1) Rule 54 (c).

Ambassador u.S.C.A. VI Counsel Rev. Robert Votion

Robert Votion

Exhibit (l)

Attorney General Dan Morales, State of Texas

P.O. Box 12546

Austin, Texas 78711

United States Supreme Court Rule 29. 4. (a)(b)(c) 28 U.S.C. stat. 451, stat. 2403 (a)(b).

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Ambassador u.S.C.A. VI Counsel Rev. Robert Votion

Robert Votion

Exhibit (m)

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I believe under penalty of perjury that the foregoing is true and correct u.S.C.A. VI Counsel.

Ambassador, Rev. Robert Votion

Robert Votion

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